IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

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WRIT PETITION NO : 16287 of 2004

Between:

1 Katam Chandraiah, S/o.Mondaiah,
R/o.Bellampally Village & Mandal, Adilabad District.
2 G.Devaputra, S/o.Joseph,
R/o.Bellampally Village & Mandal, Adilabad District.
3 Rajgopal, S/o.Ramulu,
R/o.Bellampally Village & Mandal, Adilabad District.
4 S.Anjaneya rao, S/o.Odelu,
R/o.Bellampally Village & Mandal, Adilabad District.
5 M.Arjun, S/o.Somaiah,
R/o.Bellampally Village & Mandal, Adilabad District.
6 G.Posham, S/o.Lingaiah,
R/o.Bellampally Village & Mandal, Adilabad District.
7 K.Ramchander, S/o.Lingaiah,
R/o.Bellampally Village & Mandal, Adilabad District.
8 Busa Narasimha Ramulu, S/o.Galaiah,
R/o.Bellampally Village & Mandal, Adilabad District.

..... PETITIONERS

AND

1 The District Collector, Adilabad Dist.
2 The District Social Welfare officer, Adilabad Dist.
3 The M.R.O., Bellamapally Mandal, Adilabad Dist.

.....RESPONDENTS

ORDER:

The petitioners who are eight in number have filed this writ petition with a prayer to issue a writ in the nature of writ of Mandamus or any other appropriate writ or writs, order or direction, declaring the action of the respondents in not delivering possession of plots allotted to the petitioners in Plot Nos.1, 142, 138, 81, 162, 63, 31 and 83 respectively in Survey No. 170/PP of Budha Kalan village, adjacent to Bellampally Mandal, Adilabad District, as illegal and arbitrary and to consequently direct the respondents to deliver possession of the above plots to the petitioners.

2. The petitioners plead that the plots have been allotted to them, but they were not put in possession of the allotted plots, thus, seeks direction to the respondents.

3. Heard learned counsel for the petitioners and learned Government Pleader for Assignment appearing on behalf of the respondents.

4. Counter-affidavit has been filed by the respondents. It is stated in the counter affidavit that except petitioners 5 and 6, other petitioners are not eligible for house sites. I deem it appropriate to refer the relevant portion of the counter affidavit.

> "Petitioners 5 and 6 are eligible for assignment of Government land for house site purpose as they comes under the below poverty line and the remaining petitioners are not eligible as stated supra. As such the contention of the petitioners is not correct and far away from the truth."

Since the claim of the petitioners 5 and 6 has been admitted by the respondents in the counter-affidavit, there cannot be any impediment on the respondents to put the petitioners 5 and 6 in possession of house sites allotted to them.

6. Accordingly, the writ petition is disposed of directing the respondents to put the petitioners 5 and 6 in possession of the plots allotted to them within eight weeks from the date of receipt of a copy of this order. No order as to costs.

10-08-2005

kvrm